

United States District Court
Eastern District of Michigan

United States of America,

Plaintiff,

Civil No. 23-11748

v.

Honorable Mark A. Goldsmith
Mag. Judge Curtis Ivy, Jr.

Zachery Keeler, dba Even Keel
Exotics, LLC.

Defendant.

Stipulated Order

The United States of America and Defendant Zachery Keeler doing business as Even Keel Exotics, LLC, (“Even Keel Exotics”) jointly request that the Court approve this stipulation. In support of this stipulation, the Parties hereby state and stipulate as follows:

WHEREAS, on July 18, 2023, the United States Department of Agriculture (“USDA”) served Even Keel Exotics an Official Notice of 21 Day Suspension of License 34-B-0225 (“License Suspension”), which provided that, during the period of the Suspension, “[i]t is a violation of the Regulations [of the Animal Welfare Act] to buy, sell, transport, exhibit, or deliver for transportation, any ‘animal’ as the term is defined in the Act and the Regulations.” Docket # 1 (Complaint),

Exhibit Y. Further, the License Suspension states that Suspension “applies to [Mr. Keeler] and to any employee, agent or other person acting on your behalf.” *Id.*;

WHEREAS, on July 20, 2023, the United States filed a complaint against Even Keel Exotics for violations of the Animal Welfare Act (“AWA”) and the Endangered Species Act seeking preliminary and permanent injunctive relief;

WHEREAS, the United States sought concurrence consistent with Local Rule 7.1 from Even Keel Exotics regarding the terms of a motion for temporary restraining order that the United States intended to file;

WHEREAS, the parties, by and through their authorized representatives, have reached an agreement on terms to avoid emergency motions practice;

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. Defendant agrees not to engage in any activity regulated by the Animal Welfare Act without first coming into compliance with the AWA as determined by APHIS and the terms listed in this Stipulated Order. Defendant also agrees to not engage in any activity regulated by the AWA during the period of the License Suspension;
2. Defendant agrees to make potable water continuously available to the animals at Even Keel Exotics;
3. Defendant agrees to provide undersigned counsel for the United States complete and accurate medical records for any veterinary care provided to any animal located at Even Keel Exotics within 72 hours of the animal receiving care or treatment;
4. Defendant agrees to provide access to USDA Animal and Plant Health Inspection Service (“APHIS”) officials consistent with 9 C.F.R. § 2.126, to inspect records, the Even Keel Exotics facility, and animals located at 2516 West Rauch Road, Temperance, MI 48182, including the cats and

kittens cited on APHIS's June 29, 2023 inspection report, during business hours.

5. Defendant agrees to provide undersigned counsel for the United States complete and accurate acquisition and disposition records for the last 12 months as required by 9 C.F.R. § 2.75(b)(1) within 7 days of the execution of this Stipulated Order;
6. Defendant agrees to provide complete and accurate acquisition records for any births and disposition records for any deaths that occur during the period of the Stipulated Order to undersigned counsel for the United States within 7 days of the birth/death;
7. Defendant agrees not to acquire or dispose of any animals by transfer, sale, or euthanasia during the period of this Stipulated Order without first receiving the written concurrence of the United States or, if the United States does not concur, a court order;
8. The Parties agree that this Stipulated Order shall remain in effect through August 15, 2023, to provide the Parties an opportunity to negotiate in good faith to attempt to resolve the matter without further litigation. If the Parties are unable to come to an agreement by August 8, 2023, the United States reserves the right to file a motion for injunctive relief.

IT IS SO ORDERED.

Dated: July 24, 2023
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

So stipulated and agreed:

<p>By: <u>/s/ with consent of Charles Dunn</u> Charles Dunn, Esq. Charles E. Dunn, PLC P.O. Box 230 Clarkston, MI. 48347 CharlesEDunnPLC@gmail.com (248) 807-6284</p>	<p>By: <u>/s/ Mary Hollingsworth</u> MARY HOLLINGSWORTH Senior Trial Attorney Attorney for the United States U.S. Department of Justice Environment & Natural Resources Division Wildlife & Marine Resources Section 211 W. Fort Street, Rm. 2353 Detroit, MI 48226 Mary.Hollingsworth@usdoj.gov (202) 598-1043</p>
<p> Zachery Keeler d/b/a Even Keel Exotics 2516 West Rauch Road Temperance, MI 48182</p>	<p>By: <u>/s/ Christian H. Carrara</u> CHRISTIAN H. CARRARA Trial Attorney Attorney for the United States U.S. Department of Justice Environment & Natural Resources Division Wildlife & Marine Resources Section P.O. Box 7611, Ben Franklin Station Washington, D.C. 20044-7611 Christian.Carrara@usdoj.gov (202) 598-9736</p>